UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,918	07/27/2004	Ikuma Goto	255910US2PCT	9281

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EXAMINER
AHMED, SALMAN

ART UNIT	PAPER NUMBER
2619	

NOTIFICATION DATE	DELIVERY MODE
06/12/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/501,918	GOTO, IKUMA
	Examiner	**Art Unit**	
	SALMAN AHMED	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *7/27/2004*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) *1-6 and 8-10* is/are allowed.
6)☒ Claim(s) *7 and 11-14* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *27 July 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-14 are pending.

Claims 7 and 11-14 are rejected.

Claims 1-6 and 8-10 are allowed.

Abstract

1.   The abstract of the disclosure is objected to because

Abstract in line 7, "invent" should be changed to –event--.

Correction is required. See MPEP § 608.01(b).

2.   Applicant is reminded of the proper language and format for an abstract of the

disclosure.

The abstract should be in narrative form and generally limited to a single

paragraph on a separate sheet within the range of 50 to 150 words (The current

Abstract is over 150 words). It is important that the abstract not exceed 150 words in

length since the space provided for the abstract on the computer tape used by the

printer is limited.

Drawings

3.   Figure 8 should be designated by a legend such as --Prior Art-- because only

that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in

compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

abandonment of the application. The replacement sheet(s) should be labeled

"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct

any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4.   Claim 1 is objected to because of the following informalities:

Claim 1, line 16, "data is received" should be changed to "data is being received" for clarity of the limitation.

Claim 1, line 22, "data is received" should be changed to "data is being received" for clarity of the limitation.

Appropriate correction is required.

5.   Claim 3 is objected to because of the following informalities:

Claim 3, line 15, "data is received" should be changed to "data is being received" for clarity of the limitation.

Appropriate correction is required.

6.   Claim 8 is objected to because of the following informalities:

Claim 8, line 17, "data is received" should be changed to "data is being received" for clarity of the limitation.

Claim 8, line 23, "data is received" should be changed to "data is being received" for clarity of the limitation.

7.   Claim 1 is further objected to because of the following informalities:

Claim 1, line 19, "the audio data," should be changed to "the audio data from the multiplexed data," for clarity of the limitation.

Claim 1, line 25, "the audio data," should be changed to "the audio data from the multiplexed data," for clarity of the limitation.

Claim 1, line 34, "the audio data," should be changed to "the audio data from the multiplexed data," for clarity of the limitation.

Claim 1, line 35, "extracting the audio data," should be changed to "extracting the audio data from the multiplexed data," for clarity of the limitation.

8.   Claim 8 is further objected to because of the following informalities:

Claim 8, line 21, "the audio data," should be changed to "the audio data from the multiplexed data," for clarity of the limitation.

Claim 8, lines 26-27, "the audio data," should be changed to "the audio data from the multiplexed data," for clarity of the limitation.

Claim 8, line 35, "extracting the audio data," should be changed to "extracting the audio data from the multiplexed data," for clarity of the limitation.

Claim 8, line 36, "extracting the audio data," should be changed to "extracting the audio data from the multiplexed data," for clarity of the limitation.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10.   Claims 7 and 11-14 are rejected under 35 U.S.C. 112 second paragraph.

Claim 7 in line 2 states "mobile type communication apparatus". The addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. *Ex care Cocenhaver, 109 USPQ 118 (Ed. App. 1955).*

Claim 11 in line 2 states "mobile _type_ communication apparatus". The addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. *Ex care Cocenhaver, 109 USPQ 118 (Ed. App. 1955).*

Claim 12 in line 2 states "mobile _type_ communication apparatus". The addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. *Ex care Cocenhaver, 109 USPQ 118 (Ed. App. 1955).*

Claim 13 in line 2 states "mobile _type_ communication apparatus". The addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. *Ex care Cocenhaver, 109 USPQ 118 (Ed. App. 1955).*

Claim 14 in line 2 states "mobile _type_ communication apparatus". The addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. *Ex care Cocenhaver, 109 USPQ 118 (Ed. App. 1955).*

Allowable Subject Matter

11. Claims 1-6 and 8-10 are allowed.

12. Claims 7 and 11-14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Reason for Allowance

13. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach the following:

In regards to claim 1 the prior art does not teach an audio output unit for inputting one of extracted audio data that was extracted by a extracting unit from a multiplexed data and received telephone audio data that was received by a telephone unit, and outputting one of the extracted audio data inputted and the received telephone audio data inputted; a switching control unit for switching an input to the audio output unit between the extracted audio data from the multiplexed data and the received telephone audio data; and an instructing unit for detecting a receive event generation, a send event generation, and an end event generation, and giving a prescribed instruction to the telephone unit, the extracting unit, and the switching control unit, wherein the instructing unit, in a case of detecting one of the receive event generation and the send event generation while the multiplexed data is being received by the multiplexed data receiving unit, transmits a telephone audio data transmission/reception start instruction to the telephone unit to start transmitting/receiving the telephone audio data, transmits an audio data extraction stop instruction to the extracting unit to stop extracting the audio data from the multiplexed data, and transmits a received telephone audio data switch instruction to the switching control unit to switch to the received telephone audio data, and in a case of detecting the end event generation while the multiplexed data is received by the multiplexed data receiving unit, transmits a telephone audio data transmission/reception stop instruction to the telephone unit to stop transmitting/receiving the telephone audio data, transmits an audio data extraction start instruction to the extracting unit to start extracting the audio data, and transmits an extracted audio data switch instruction to the switching control unit to switch to the extracted audio data, wherein the telephone unit, in a case of receiving the telephone

audio data transmission/reception start instruction from the instructing unit, starts transmitting/receiving the telephone audio data, and in a case of receiving the telephone audio data transmission/reception stop instruction from the instructing unit, stops transmitting/receiving the telephone audio data, wherein the extracting unit, in a case of receiving the audio data extraction stop instruction from the instructing unit, stops extracting the audio data, and in a case of receiving the audio data extraction start instruction, starts extracting the audio data, and wherein the switching control unit, in a case of receiving the received telephone audio data switch instruction from the instructing unit, switches the input to the audio output unit to the received telephone audio data, and in a case of receiving the extracted audio data switch instruction from the instructing unit, switches the input to the audio output unit to the extracted audio data.

In regards to claim 8 the prior art does not teach an audio output step for inputting one of extracted audio data that was extracted by a extracting step and received telephone audio data that was received by a telephone audio data transmitting/receiving step, and outputting one of the extracted audio data inputted and the received telephone audio data inputted; a switching control step for switching an input to the audio output step between the extracted audio data and the received telephone audio data; and an instructing step for detecting a receive event generation, a send event generation, and an end event generation, and giving a prescribed instruction to the telephone audio data transmitting/receiving step, the extracting step, and the switching control step, wherein the instructing step, in a case of detecting one of the receive event generation and the send event generation while the multiplexed data is

received by a multiplexed data receiving step, gives a telephone audio data transmission/reception start instruction to a telephone audio transmitting/receiving step to start transmitting/receiving the telephone audio data, gives an audio data extraction stop instruction to the extracting step to stop extracting the audio data, and gives a received telephone audio data switch instruction to the switching control step to switch to the received telephone audio data, and in a case of detecting the end event generation while the multiplexed data is received by the multiplexed data receiving step, gives a telephone audio data transmission/reception stop instruction to the telephone audio transmitting/receiving step to stop transmitting/receiving the telephone audio data, gives an audio data extraction start instruction to the extracting step to start extracting the audio data, and gives an extracted audio data switch instruction to the switching control step to switch to the extracted audio data, wherein the telephone audio transmitting/receiving step, in a case of receiving the telephone audio data transmission/reception start instruction from the instructing step, starts transmitting/receiving the telephone audio data, and in a case of receiving the telephone audio data transmission/reception stop instruction from the instructing step, stops transmitting/receiving the telephone audio data, wherein the extracting step, in a case of receiving the audio data extraction stop instruction from the instructing step, stops extracting the audio data, and in a case of receiving the audio data extraction start instruction, starts extracting the audio data, and wherein the switching control step, in a case of receiving the received telephone audio data switch instruction from the instructing step, switches the input to the audio output step to the received telephone audio data, and in a case of receiving the extracted audio data switch

instruction from the instructing step, switches the input to the audio output step to the extracted audio data.

The prior art alone or in combination fails to jointly suggest or teach the claimed combination of features as taught by the instant application. Therefore claims 1-6 and 8-10 are to be deemed allowable over prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SALMAN AHMED whose telephone number is (571)272-8307. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Salman Ahmed/

Examiner, Art Unit 2619